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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,172	11/04/2003	Candee Weitzman	7425-1	7546

30448 7590 01/19/2005

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,172

Applicant(s)

WEITZMAN, CANDEE

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/4/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This is the second Office action for application serial number 10/702,172, Purse Holder, filed November 4, 2003.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign not mentioned in the description: 24. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9-15 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the present case, there is no support in the as-filed disclosure, via such descriptive means as words, structure, figures, diagrams, formulas, etc. for the newly introduced claim limitations in claim 17, to wit: "which horizontal orientation enables said upper portion to be inserted in said opening to different degrees, thus enabling the adjustability

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of the device. As disclosed by applicant, the length of the upper extremity of the hook like member allows for the facilitations of the adjustability and placement of the device on surfaces having different characteristics. See page 3, lines 2+, page 5, lines 9+ and page 6, lines 6+. The as filed disclosure fails to provide support for the horizontal orientation contributing to the adjustability of the hook like member relative to the decorative member.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 16, the phrase "hook-like portion" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "hook-like portion"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Claim 12 recites the limitation "the purse" in line 2. There is insufficient antecedent basis for this limitation in the claim. A similar problem occurs in claims 13 and 15.

In claims 14-16, lines 2, 2, and 10, respectively, "it" or "its" should be replaced with the proper noun to avoid any ambiguity, thus distinctly claiming and particularly pointing out the subject matter.

In claim 13, line 2, "the purse" lacks proper antecedent basis for this limitation in the claim.

In claim 15, line 2, "a purse" should read -the purse- to reflect- the language found at line 2 of claim 14, since antecedence has been provided.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 16 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,530,548 to Pizzirusso. The present invention reads on Pizzirusso as follows: Pizzirusso teaches a purse holder (10) comprising a first member (20) including a first portion (32) to receive a handbag (120) and a second portion (24,28). A second member (12) receives the second portion of the first member in slidable fashion. The second portion of the first member has means to prevent the complete disengagement (22) of the first and second members or a third member. The second member has an opening (12c) and the means to prevent the disengagement of the first and second member is a knob (22) on the second portion of the first member. The slideability of the second portion of the first member within the second member enables the adjustability of the purse holder to facilitate its use on different sizes of table surfaces. The knob is selectively removable (see figure 4). The second member is a recognizable design replica. Means to change the orientation of the purse when hanging is (12b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pizzirusso. Pizzirusso teaches the limitations of the base claim, excluding the upper portion of the hanging member having a horizontal or parallel orientation to the top surface of a table when in use. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the orientation of the upper portion of the hanging member, since applicant has not disclosed that having the horizontal orientation solves any problems or is for any particular purpose and it appears the hanging member would perform equally well horizontal or in an inclined orientation and since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Regarding claims 9 and 10, Pizzirusso teaches the second member teaches an ornamental design of a dog or any type of base can be used whether in the form of an ornamental design or without any ornamental design.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pizzirusso in view of U.S. Patent No. 3,767,152 to Killinger. Pizzirusso teaches the limitations of the base claim, excluding a ring. Killinger teaches a purse holder comprising a first member (26, 28) and a second member (12, 14, 18). The first member includes means to

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change the orientation of a purse (24) as it hangs is a ring (26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first member as taught by Pizzirusso to have incorporated the ring as taught by Killinger for the purpose of for receiving a strap of a purse therein.

Response to Arguments

Applicant's argues that the Pizzirusso reference fails to teach the adjustability of the purse holder to accommodate different table configurations. Applicant's adjustability is accomplished via the length of the upper portion of the hanging member and the opening found in the decorative member. The length of the upper portion of the hanging member and the opening provided in the decorative member is such that, the upper portion is able to slid along the opening providing adjustability if required due to the different table configurations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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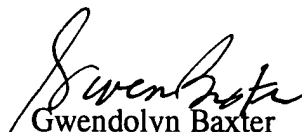
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702.

The examiner can normally be reached on Monday-Wednesday, 8:00am -5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gwendolyn Baxter
Primary Examiner
Art Unit 3632

January 3, 2004